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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/512,002	12/28/2004	William Henderson	0.010302USWZFN	6419
7590	06/21/2007		EXAMINER	
Chief Intellectual Property Counsel Omnova Solutions Inc 175 Ghent Road Fair Lawn, OH 44333-3300			AHMAD, NASSER	
			ART UNIT	PAPER NUMBER
			1772	
			MAIL DATE	DELIVERY MODE
			06/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/512,002	HENDERSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nasser Ahmad	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 16 April 2007.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 2-9 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2-9 and 11-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/16/2007 has been entered.

***Rejection Maintained***

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, for reasons of record made in the Office Action of 8/23/2006 and maintained in the Office Action of 2/15/2007.
3. Claims 2-9, 11-13 are rejected under 35 U.S.C. 112, first paragraph, for reasons of record made in the Office Action of 2/15/2007

***Response to Arguments***

4. Applicant's arguments filed 4/16/2007 have been fully considered but they are not persuasive.

In response to applicant's argument for the 35 USC 112, first paragraph rejection, applicant should note that the phrase "which sensing methods are avoided" fails to define the claims in view of the originally filed application. The particular phrase

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changes the scope of the claims because applicant is attempting to claim what the applicant did not invent.

With respect to the 35 USC 112, second paragraph rejection of claim 5 made in the last Office Action, applicant has failed to overcome said rejection.

***Rejections Withdrawn***

5. Claims 2-5, 7-9, 11 rejected under 35 U.S.C. 102(b) as being anticipated by Granqvist made in the Office Action of 2/15/2007 has been withdrawn in view of the amendment filed on 4/16/2007.
6. Claim 6 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Granqvist made in the Office Action has been withdrawn in view of the amendment.
7. Claims 12 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Granqvist made in the Office Action has been withdrawn in view of the amendment.

***Response to Arguments***

8. Applicant's arguments with respect to claims 2-9 and 11-13 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-5, 7-9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granqvist (4953922).in view of Karlsson (4529633).

Granqvist relates to a camouflage covering (1) comprising a sheet that comprises an embossed exterior surface (7) bearing an image (figure-2), an adhesive (8) exterior surface opposite said embossed exterior surface, and between said exterior surfaces, at least one additional component (4). However, Granqvist fails to teach that the embossed surface bears a colored camouflage image. Karlsson discloses a camouflage covering comprising an embossed plastic layer (1) adhered to a fabric (4) by adhesive (3), and a metal layer (2) is located between the adhesive and the plastic layer (abstract and figure-3). The embossed plastic layer is provided with a patchy layer (5) of patchy images (images are known to have color). Therefore, it would have been obvious to one having ordinary skill in the art to utilize Karlsson's teaching of providing patchy colored images on a plastic layer in the invention of Granqvist with the motivation to provide for enhanced camouflage

The phrase "capable of providing protection against detection by at least one sensing method other than visual inspection and surface profiling" has not been given any patentable weight because it only requires the ability to so perform and is not a positive limitation.

For claim 2, said at least one sensing method comprises UV-sensing, IR-sensing, etc. (abstract).

The components comprises at least one component comprising a metallic foil (4) and/or IR-transparent polymer for claims 3 and 4.

The visible light or IR or UV absorbent layer would include radio absorbing.

The presence of the various layers would inherently provide for acoustic absorbtion property.

Regarding claim 8, the sheet is flexible (web material in abstract).

For claim 9, the colored camouflage image represents an environmental background.

11. Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granqvist in view of Karlsson and McKinney (6373058).  
Granqvist and Karlsson, as discussed above, fails to teach that the component comprise phase change material. McKinney relates to camouflage covering (figure-3), the covering comprising a sheet including a plurality of components (10, 20, 30), each of said components being capable of providing protection against detection by at least one sensing method.. The camouflage layer component is phase change material (abstract) to provide for camouflaging a surface, and as shown in figure-2, the camouflage layer is located between two outer layers. Therefore, it would have been obvious to one having ordinary skill in the art to utilize McKinney's teaching of providing a phase change absorber as a component layer in a camouflaging article in the invention of Granqvist with the motivation to provide camouflaging from radiation.

12. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granqvist in view of Karlsson.  
Granqvist, as discussed above, fails to teach the presence of a second sheet overlaying the sheet. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a second sheet, because it involves a mere duplication of the essential working part of a device, that is the first sheet.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Nasser Ahmad*  
Nasser Ahmad 6/20/07  
Primary Examiner  
Art Unit 1772

N. Ahmad.  
June 20, 2007.